

to the state's attorney the fact that justice did not prevail. The state's attorney paid him no heed. The man went to the magistrate, tried to get the state's attorney to act, but nothing occurred. He went to court to make the state's attorney let him go before the grand jury. This is the case of *Black v the State's Attorney of Baltimore City* in 184 Maryland.

The Court of Appeals said, and I am going to read you some of the language, and in the light of all the things that are happening that bespeak no protection for people but only for the state or for the defendant, I want you to listen, please.

"That other adequate remedy to which the petition is entitled is that of personally presenting his case to the grand jury of Baltimore City."

They went on to say that he had no right to stop them on the street but he had a right to rap on their door and ask to be heard. They gave him that right, and in doing so they said, our predecessors, speaking through Judge McSherry, said:

"However restricted the functions of grand juries be elsewhere, we hold that in this State they have plenary inquisitorial powers and they lawfully themselves and upon their own motion originate charges against offenders, though no preliminary proceedings have been had before a magistrate, and though neither the court nor the state's attorney has laid the matter before them. The peace, the government and the dignity of the State, the well-being of society and the security of the individual demand that this ancient and important attribute of a grand jury should not be narrowed or interfered with when legitimately exerted."

THE CHAIRMAN: Your time has expired, Delegate Sherbow.

DELEGATE SHERBOW: I hope that you will vote against reconsideration of this matter.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the reconsideration?

Delegate Bamberger.

DELEGATE BAMBERGER: Delegate Sherbow makes an eloquent argument that we should not abolish the grand jury, but I submit that is not the issue presented to us. We have a grand jury in Maryland. It functions as Delegate Sherbow has said it

functions, and not one word is said about it in the present constitution.

The issue is whether there is something so important about it and so sacred about the way in which it now operates that it is necessary for us to insert it in this new constitution.

I submit that it is not, and that no argument has been made on this floor to buttress that statement.

I think Delegate Bennett has pointed out another concern. Grand juries do not meet in every county at all times. Grand juries, as I understand the practice in the counties, are called when it is necessary for them to attend to their business, and in between those times they are not in session.

A man who is arrested and charged with a crime is told that he has a right to an indictment by grand jury. He may or may not be told that he has a right or he has the privilege of waiving that right, and in many instances will sit in jail for weeks or even months until a grand jury is impaneled again to hear the evidence against him and to present an indictment.

I suggest that this is a matter to be left to the General Assembly as it has been since at least the Constitution of 1867, and that no arguments have been made to justify adding this to our present constitution.

I urge you to vote for reconsideration and then in favor of the amendment to strike this from the constitution.

THE CHAIRMAN: Any other delegate desire to speak in opposition to the motion for reconsideration?

Apparently not.

Delegate Carson.

DELEGATE CARSON: Mr. Chairman, ladies and gentlemen: The Fifth Amendment to the United States Constitution says that it is the right of every citizen in his country so far as federal claims are concerned not to be charged unless a grand jury presentment is returned.

Now, this is limited to capital or otherwise infamous crimes. The amendment which was adopted the other day limits the grand jury requirement to capital crimes or felonies. These are serious crimes. They are not petty misdemeanors and it is important to a person and to his reputation not to have a charge brought against him